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RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 UNITED STATES OF AMERICA,
13 Plaintiff,

) No. CR-04-0083-MJJ

) VIOLATIONS: 21 U.S.C. § 846 – Drug
) Conspiracy; 18 U.S.C. §§1959(a)(1) and (6)–
) Conspiracy to Commit Murder and Assault
) With a Dangerous Weapon; 18 U.S.C. §
) 924(o) – Conspiracy to Use, Carry, and
) Possess Firearm During and In Relation to
) Drug Trafficking Crime; 18 U.S.C. §§
) 1959(a)(3) and (5) – Assault With a
) Dangerous Weapon, and Assault Resulting
) in Serious Bodily Injury in Aid of
) Racketeering; 18 U.S.C. § 36 – Drive-By
) Shooting; 18 U.S.C. § 924(c)(1)(A) – Use,
) Carrying, and Possessing Firearm in Relation
) to Drug Trafficking Crime and Crimes of
) Violence; 18 U.S.C. § 1959(a)(1) – Murder in
) Aid of Racketeering; 18 U.S.C. § 924(j)(1) –
) Murder in the Course of Committing § 924(c)
) Violation; 18 U.S.C. § 922(k) – Possession of
) Firearm With Obliterated Serial Number;
) 21 U.S.C. § 841(a)(1) – Distribution of
) Cocaine Base; 21 U.S.C. § 860 – Distribution
) of Cocaine Base Within 1,000 Feet of a
) Public Elementary School and Public Housing
) Facility; 18 U.S.C. § 2 – Aiding and Abetting;
) 18 U.S.C. §§ 3591, 3592 – Notice of Special
) Findings.

25 JAMES HILL,
26 DAVID GEORGE,
27 KENYANA JONES, and
28 TREARL MALONE,

Defendants.

) SAN FRANCISCO VENUE

1 THIRD SUPERSEDING INDICTMENT

2 The Grand Jury charges:

3 COUNT ONE: 21 U.S.C. § 846

4 In or about and between no later than July 1998, and July 20, 2002, in the Northern
5 District of California, the defendants

6 JAMES HILL,
7 DAVID GEORGE,
8 TREARL MALONE,
9 KENYANA JONES,

10 and others, known and unknown to the Grand Jury, who were members and associates of
11 the Westmob criminal street gang in the Westpoint and Middlepoint Road area of Hunters
12 Point, San Francisco, California, did knowingly and intentionally conspire to possess 50
13 grams or more of cocaine base with intent to distribute, and to distribute 50 grams or
14 more of cocaine base, in violation of Title 21, United States Code, Section 846.

15 COUNT TWO: 18 U.S.C. §§ 1959(a)(1) and (6)

16 THE ENTERPRISE

17 1. At all times relevant to this indictment, the defendants

18 JAMES HILL,
19 DAVID GEORGE,
20 TREARL MALONE,

21 and others, known and unknown to the Grand Jury, were members and associates of a
22 criminal street gang sometimes known as "Westmob" and by its affiliate names "Full
23 Fledge" and "Ruthless by Law" ("RBL")(hereinafter collectively referred to as
24 "Westmob") in the area of Westpoint and Middlepoint Roads, and surrounding public
25 housing areas of Hunters Point in San Francisco, California (hereinafter "the Westpoint
26 area").

27 2. This criminal organization, including its members and associates, constituted
28 an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a
group of individuals associated in fact that engaged in, and the activities of which
affected, interstate commerce. The enterprise constituted an ongoing organization whose

1 members functioned as a continuing unit for a common purpose of achieving the
2 objectives of the enterprise.

3 PURPOSES OF THE ENTERPRISE

4 3. The purposes of the enterprise included the following:

5 (a) Establishing, maintaining, and preserving the Westpoint area as the exclusive
6 territory ("turf") and market for the narcotics trafficking of members and associates of the
7 enterprise.

8 (b) Enriching the members and associates of the enterprise through the
9 distribution of narcotics.

10 (c) Promoting and enhancing the power, status, and reputation of the enterprise.

11 (d) Excluding rival gangs and their members and associates from the Westpoint
12 area.

13 MANNER AND MEANS OF THE ENTERPRISE

14 4. Among the manner and means by which the defendants and other members
15 and associates of Westmob conducted and participated in the conduct of the affairs of the
16 enterprise were the following:

17 (a) Members and associates of the enterprise conspired to distribute and did
18 distribute controlled substances in Westpoint, which affected interstate commerce.

19 (b) Members and associates of the enterprise acquired, carried, used, and
20 possessed firearms and ammunition, to include assault weapons, which affected interstate
21 commerce.

22 (c) Member and associates of the enterprise used intimidation, threats of
23 violence, and violence against rival gang members, associates, and potential witnesses.

24 (d) Members and associates developed and utilized a system of communication
25 to alert and warn each other to the arrival and presence of law enforcement officers in
26 Westpoint as a means of concealing and preventing the detection of the criminal activities
27 of the enterprise.

1 (e) Members and associates promoted within the Westpoint area and elsewhere a
2 climate of fear and retaliation to prevent and dissuade victims and witnesses from
3 reporting and testifying about the criminal activities of the enterprise.

4 5. The above-described enterprise, through its members and associates, engaged
5 in racketeering activity as defined in Title 18, United States Code, Sections 1959(b)(1)
6 and 1961(1), namely, offenses involving the manufacture, buying, selling, and otherwise
7 dealing in controlled substances, in violation of Title 21, United States Code, Sections
8 841(a)(1), 846, and 860.

9 6. During the period between no later than on or about July 1998, and July 20,
10 2002, in the Northern District of California, as consideration for the receipt of, and as
11 consideration for a promise and an agreement to pay, anything of pecuniary value from
12 Westmob, and for the purpose of maintaining and increasing their position in Westmob,
13 an enterprise engaged in racketeering activity, the defendants JAMES HILL, DAVID
14 GEORGE, TREARL MALONE, and others known and unknown, did unlawfully and
15 knowingly conspire to commit murder in violation of Section 187 of the California Penal
16 Code, and to commit assault with a dangerous weapon in violation of Section 245 of the
17 California Penal Code.

18 OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

19 7. In furtherance of the conspiracy and to obtain the objectives thereof, the
20 defendants committed the following overt acts, among others, in the Northern District of
21 California:

22 (a) On or about May 1, 2000, defendants JAMES HILL and DAVID GEORGE
23 possessed two firearms described as a Ruger, Mini-14, .223-caliber assault rifle, and a 9-
24 millimeter, Glock pistol, serial number ATE560. The Ruger assault rifle was loaded with
25 32 rounds of live ammunition, and the Glock pistol was loaded with 18 rounds of live
26 ammunition, including a round in the chamber of both weapons.

27 (b) On or about December 21, 2000, defendants JAMES HILL, DAVID
28 GEORGE, and TREARL MALONE, committed a drive-by shooting on a freeway in San

1 Francisco, in which they fired multiple shots from their car into a car being driven by
2 Dymond Buckins and in which Zakiya Turner was a passenger. Dymond Buckins and
3 Zakiya Turner were both shot and suffered serious bodily injury.

4 (c) On or about December 21, 2000, defendant JAMES HILL used and fired a
5 7.62 x 39 caliber rifle during the drive-by shooting alleged in paragraph 3(b) above.

6 (d) On or about December 31, 2000, defendants JAMES HILL and DAVID
7 GEORGE traveled in a stolen 2001 Cadillac, Model SLS, California license plate number
8 4NZH307, to the area of Third and Kirkwood Streets in Hunters Point, San Francisco.

9 (e) On or about December 31, 2000, defendant DAVID GEORGE possessed a
10 firearm, described as a Glock, 9-millimeter, semi-automatic pistol, which had its serial
11 number obliterated and removed, and which was loaded with at least 14 rounds of live
12 ammunition.

13 (f) On or about December 31, 2000, defendant JAMES HILL possessed a
14 rifle, loaded with at least 28 live rounds of 7.62 x 39 caliber ammunition, which was the
15 same rifle that he used to commit the drive-by shooting on December 21, 2000, alleged in
16 paragraph 3(b) above.

17 (g) On or about December 31, 2000, the defendants DAVID GEORGE and
18 JAMES HILL, using the firearms described in paragraphs 3(e) and (f) above, fired
19 multiple shots into the driver's side of a parked car in which Latishia Walker was sitting
20 in the driver's seat. Latishia Walker was shot and suffered serious bodily injury.

21 (h) On or about December 31, 2000, at approximately 6:05 p.m., the defendants
22 DAVID GEORGE and JAMES HILL, using and carrying the firearms described in
23 paragraphs 3(e) and (f) above, committed a drive-by shooting in which Curtis Layne and
24 Brian Williams were shot and killed.

25 All in violation of Title 18, United States Code, Sections 1959(a)(1) and (6).

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1 COUNT THREE: 18 U.S.C. § 924(o)

2 1. In or about and between no later than July 1998, and July 20, 2002, in the
3 Northern District of California, the defendants

4 KENYANA JONES,
5 TREARL MALONE,

6 co-conspirators Acie Mathews, David George, James Hill, Reginald Whitley, and others,
7 known and unknown to the Grand Jury, who were members and associates of the
8 Westmob criminal street gang, did knowingly and intentionally conspire to use and carry
9 firearms during and in relation to the drug conspiracy charged in Count One, and to aid
10 and abet in the use and carrying of such firearms, in violation of 18 U.S.C. §§
11 924(c)(1)(A) and 2.

12 MANNER AND MEANS OF CONSPIRACY

13 2. It was part of the manner and means of the conspiracy that:

14 (a) The defendants were members of the group of individuals associated in fact
15 as the criminal street gang sometimes known as "Westmob" and by its affiliate names
16 "Full Fledge" and "Ruthless by Law" ("RBL")(hereinafter collectively referred to as
17 "Westmob") in the area of Westpoint and Middlepoint Roads, and surrounding public
18 housing areas of Hunters Point in San Francisco, California (hereinafter "the Westpoint
19 area").

20 (b) The terms Westmob "gang" or Westmob "criminal street gang" are
21 interchangeable. This term refers to the group of persons, associated in fact, who (1)
22 claimed or regarded the Westpoint area as their "turf," meaning the geographical territory
23 from which rival gang members are excluded; or (2) claimed or regarded that area as their
24 market for narcotics trafficking; or (3) claimed or affiliated himself with that area, or with
25 persons in that area, for purposes of securing and maintaining that area against rival gangs
26 in the Hunters Point area.

27 (c) During the period of the alleged conspiracy, members and associates of
28 Westmob claimed the Westpoint area as their exclusive "turf" and "market" for narcotics
trafficking, and they conspired to possess cocaine base (crack cocaine) for distribution,

1 and to distribute cocaine base within the Westpoint area as described and charged in
2 Count One herein.

3 (d) The defendants were among the persons in Westmob who acted in concert
4 as armed "enforcers" for the Westmob gang for the purposes of:

5 (1) acquiring, carrying, using, and possessing firearms in furtherance of their
6 own narcotics trafficking within the Westpoint area;

7 (2) providing the umbrella of armed protection to fellow members and
8 associates of Westmob, thereby promoting their collective narcotics trafficking activity;

9 (3) establishing, maintaining, and preserving the exclusivity of the Westmob
10 drug market to Westmob gang members and affiliates;

11 (4) preserving generally the Westpoint area as Westmob's neighborhood-based,
12 exclusive "turf"; and

13 (5) intimidating and committing armed assaults against rival gang members and
14 associates.

15 OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

16 3. In furtherance of the conspiracy and to obtain the objectives thereof, the
17 defendants committed the following overt acts, among others, in the Northern District of
18 California:

19 (a) On or about May 1, 2000, co-conspirators JAMES HILL and DAVID
20 GEORGE possessed two firearms described as a Ruger, Mini-14, .223-caliber assault
21 rifle, and a 9-millimeter, Glock pistol, serial number ATE560. The Ruger assault rifle
22 was loaded with 32 rounds of live ammunition, and the Glock pistol was loaded with 18
23 rounds of live ammunition, including a round in the chamber of both weapons.

24 (b) On or about May 6, 2000, defendant KENYANA JONES carried and
25 possessed a loaded AA Arms, Inc., Model AP9, 9-millimeter, semi-automatic assault-type
26 pistol, loaded with 24 live rounds of ammunition.

27 (c) On or about December 21, 2000, co-conspirators JAMES HILL and DAVID
28 GEORGE, and defendant TREARL MALONE committed an armed assault during a

1 drive-by shooting in which Dymond Buckins and Zakiya Turner were shot and suffered
2 serious bodily injury.

3 (d) On or about December 31, 2000, the defendants DAVID GEORGE and
4 JAMES HILL, assaulted with a dangerous weapon, and committed an assault resulting in
5 serious bodily injury upon, Latishia Walker.

6 (e) On or about December 31, 2000, co-conspirators JAMES HILL and
7 DAVID GEORGE committed an armed assault during a drive-by shooting in which
8 Curtis Layne and Brian Williams were shot and killed.

9 All in violation of Title 18, United States Code, Section 924(o).

10
11 COUNT FOUR: 18 U.S.C. §§ 1959(a)(3) and (5), and 18 U.S.C. § 2

12 1. Paragraphs 1 through 5 of Count Two herein are realleged and
13 incorporated by reference as if fully set forth herein.

14 2. On or about December 21, 2000, in the Northern District of California, the
15 defendants,

16 JAMES HILL,
17 DAVID GEORGE, and
18 TREARL MALONE,

19 as consideration for the receipt of, and as consideration for a promise and an agreement to
20 pay, anything of pecuniary value from the enterprise, and for the purpose of maintaining
21 and increasing their position in an enterprise engaged in racketeering activity, did attempt
22 to murder Dymond Buckins in violation of Sections 187, 189, and 664 of the California
23 Penal Code, and did commit an assault with a dangerous weapon upon Dymond Buckins
24 and an assault resulting in serious bodily injury to him in violation of Section 245 of the
California Penal Code.

25 All in violation of Title 18, United States Code, Sections 1959(a)(3) and (5), and
26 Title 18, United States Code, Section 2.

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1 COUNT FIVE: 18 U.S.C. §§ 1959(a)(3) and (5), 18 U.S.C. § 2

2 1. Paragraphs 1 through 5 of Count Two herein are realleged and
3 incorporated by reference as if fully set forth herein.

4 2. On or about December 21, 2000, in the Northern District of California, the
5 defendants,

6 JAMES HILL,
7 DAVID GEORGE, and
TREARL MALONE,

8 as consideration for the receipt of, and as consideration for a promise and an agreement to
9 pay, anything of pecuniary value from the enterprise, and for the purpose of maintaining
10 and increasing their position in an enterprise engaged in racketeering activity, did attempt
11 to murder Zakiya Turner in violation of Sections 187, 189, and 664 of the California
12 Penal Code, and did commit an assault with a dangerous weapon upon Zakiya Turner and
13 an assault resulting in serious bodily injury to her in violation of Section 245 of the
14 California Penal Code.

15 All in violation of Title 18, United States Code, Sections 1959(a)(3) and (5), and
16 Title 18, United States Code, Section 2.

17
18 COUNT SIX: 18 U.S.C. § 36

19 On or about December 21, 2000, in the Northern District of California, the
20 defendants,

21 JAMES HILL,
22 DAVID GEORGE, and
TREARL MALONE,

23 in furtherance of a major drug offense, to wit, the drug conspiracy charged in Count One
24 herein; and with the intent to intimidate, harass, injure, and maim, did fire a weapon into a
25 group of two or more persons; and in the course of such shooting, caused grave risk to
26 human life, all in violation of Title 18, United States Code, Section 36.

27 //

28 //

1 COUNT SEVEN: 18 U.S.C. §§ 924(c)(1)(A) and (iii), and 18 U.S.C. § 2

2 1. On or about December 21, 2000, in the Northern District of California, the
3 defendants,

4 JAMES HILL,
5 DAVID GEORGE, and
6 TREARL MALONE,

7 did knowingly use and carry a firearm during and in relation to (a) the drug conspiracy
8 charged in Count One, (b) the conspiracy to commit murder and assault with a dangerous
9 weapon in aid of racketeering charged in Count Two, (c) the conspiracy to use, carry, and
10 possess firearms described and charged in Count Three, (d) the commission of violent
11 crimes in aid of racketeering charged in Counts Four and Five, (e) the drive-by shooting
12 charged in Count Six, and did knowingly possess a firearm in furtherance of such crimes.

13 2. In committing the crime alleged in paragraph one herein, the defendants
14 discharged a firearm, and aided and abetted in the discharge of a firearm.

15 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and (iii),
16 and Title 18, United States Code, Section 2.

17 COUNT EIGHT: 18 U.S.C. §§ 36(b)(2)(A) and 1111(a)

18 1. On or about December 31, 2000, in the Northern District of California, the
19 defendants,

20 JAMES HILL and
21 DAVID GEORGE,

22 in furtherance of a major drug offense, to wit, the drug conspiracy charged in Count One,
23 and with the intent to intimidate, harass, injure, and maim, did fire a weapon into a group
24 of two or more persons; and in the course of such shooting, killed Curtis Layne and Brian
25 Williams.

26 2. The killing of Curtis Layne and Brian Williams constituted first degree
27 murder within the meaning of 18 U.S.C. §§ 36(b)(2)(A) and 1111(a).

28 All in violation of Title 18, United States Code, Section 36.

1 COUNT NINE: 18 U.S.C. § 1959(a)(1), and 18 U.S.C. § 2

2 1. Paragraphs 1 through 5 of Count Two herein are realleged and
3 incorporated by reference as if fully set forth herein.

4 2. On or about December 31, 2000, in the Northern District of California, the
5 defendants,

6 JAMES HILL and
7 DAVID GEORGE,

8 as consideration for the receipt of, or as consideration for a promise and agreement to
9 pay, anything of pecuniary value from the enterprise, and for the purpose of maintaining
10 and increasing their position in an enterprise engaged in racketeering activity, did murder
11 Curtis Layne and did aid and abet in the murder of Curtis Layne in violation of Section
12 187 of the California Penal Code.

13 All in violation of Title 18, United States Code, Section 1959(a)(1), and Title 18,
14 United States Code, Section 2.

15 COUNT TEN: 18 U.S.C. § 1959(a)(1), and 18 U.S.C. § 2

16 1. Paragraphs 1 through 5 of Count Two herein are realleged and
17 incorporated by reference as if fully set forth herein.

18 2. On or about December 31, 2000, in the Northern District of California, the
19 defendants,

20 JAMES HILL and
21 DAVID GEORGE,

22 as consideration for the receipt of, or as consideration for a promise and agreement to
23 pay, anything of pecuniary value from the enterprise, and for the purpose of maintaining
24 and increasing their position in an enterprise engaged in racketeering activity, did murder
25 Brian Williams and did aid and abet in the murder of Brian Williams in violation of
26 Section 187 of the California Penal Code.

27 All in violation of Title 18, United States Code, Section 1959(a)(1), and Title 18,
28 United States Code, Section 2.

1 COUNT ELEVEN: 18 U.S.C. §§ 1959(a)(3) and (5), and 18 U.S.C. § 2

2 1. Paragraphs 1 through 5 of Count Two herein are realleged and
3 incorporated by reference as if fully set forth herein.

4 2. On or about December 31, 2000, in the Northern District of California, the
5 defendants,

6 JAMES HILL and
7 DAVID GEORGE,

8 as consideration for the receipt of, or as consideration for a promise and agreement to
9 pay, anything of pecuniary value from the enterprise, and for the purpose of maintaining
10 and increasing their position in an enterprise engaged in racketeering activity, did attempt
11 to murder Latishia Walker in violation of Sections 187, 189, and 664 of the California
12 Penal Code, and did commit an assault resulting in serious bodily injury upon her in
13 violation of Section 245 of the California Penal Code.

14 All in violation of Title 18, United States Code, Sections 1959(a)(3) and (5), and
15 Title 18, United States Code, Section 2.

16 COUNT TWELVE: 18 U.S.C. §§ 924(c)(1)(A) and (iii), 2

17 1. On or about December 31, 2000, in the Northern District of California, the
18 defendants,

19 JAMES HILL and
20 DAVID GEORGE,

21 did knowingly use and carry a firearm during and in relation to (a) the drug conspiracy
22 charged in Count One, (b) the conspiracy to commit murder and assault with a dangerous
23 weapon in aid of racketeering charged in Count Two, (c) the conspiracy to use, carry, and
24 possess firearms described in Count Three, (d) the drive-by shooting charged in Count
25 Eight, (e) the commission of violent crimes in aid of racketeering charged in Counts
26 Nine, Ten, and Eleven, did knowingly possess a firearm in furtherance of such crimes.

27 2. In committing the crime alleged in paragraph one herein, the defendants
28 discharged a firearm, and aided and abetted in the discharge of a firearm.

1 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and (iii),
2 and Title 18, United States Code, Section 2.

3
4 COUNT THIRTEEN: 18 U.S.C. § 924(j)(1), and 18 U.S.C. § 2

5 1. On or about December 31, 2000, in the Northern District of California, the
6 defendants,

7 JAMES HILL and
8 DAVID GEORGE,

9 in the course of committing the violation of 18 U.S.C. § 924(c)(1)(A) charged in Count
10 Twelve, caused the death of Curtis Layne.

11 2. The killing of Curtis Layne constituted first degree murder within the
12 meaning of 18 U.S.C. §§ 924(j) and 1111(a).

13 All in violation of Title 18, United States Code, Section 924(j)(1), and Title 18,
14 United States Code, Section 2.

15 COUNT FOURTEEN: 18 U.S.C. § 924(j)(1), and 18 U.S.C. § 2

16 1. On or about December 31, 2000, in the Northern District of California, the
17 defendants,

18 JAMES HILL and
19 DAVID GEORGE,

20 in the course of committing the violation of 18 U.S.C. § 924(c)(1)(A) charged in Count
21 Twelve, caused the death of Brian Williams.

22 2. The killing of Brian Williams constituted first degree murder within the
23 meaning of 18 U.S.C. §§ 924(j) and 1111(a).

24 All in violation of Title 18, United States Code, Sections 924(j) and 2.

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1 COUNT FIFTEEN: 18 U.S.C. § 922(k)

2 1. On or about December 31, 2000, in the Northern District of California, the
3 defendant,

4 DAVID GEORGE

5 did knowingly possess a firearm, described as a Glock, 9-millimeter, semi-automatic
6 pistol, which had its manufacturer's serial number obliterated and removed, and which
7 had been shipped and transported in interstate and foreign commerce, in violation of Title
8 18, United States Code, Section 922(k).

9
10 COUNT SIXTEEN: 18 U.S.C. §§ 924(c)(1)(A)

11 On or about May 6, 2000, in the Northern District of California, the defendant,

12 KENYANA JONES

13 did knowingly carry a firearm during and in relation to the drug conspiracy charged in
14 Count One, and the conspiracy to use, carry, and possess firearms charged in Count
15 Three, and did knowingly possess a firearm in furtherance of such crimes, in violation of
16 Title 18, United States Code, Sections 924(c)(1)(A).

17
18 COUNT SEVENTEEN: 21 U.S.C. § 841(a)(1)

19 On or about July 9, 2002, in the Northern District of California, the defendant

20 TREARL MALONE

21 did knowingly and intentionally distribute, and aid and abet the distribution of, cocaine
22 base, a Schedule II controlled substance, in violation of Title 21, United States Code,
23 Section 841(a)(1).

24
25 COUNT EIGHTEEN: 21 U.S.C. § 860(a)

26 On or about July 9, 2002, in the Northern District of California, the defendant

27 TREARL MALONE

28 did knowingly violate 21 U.S.C. § 841(a)(1) by distributing, and aiding and abetting, in

1 the distribution of cocaine base within one thousand (1,000) feet of a public elementary
2 school and within one thousand (1,000) feet of a public housing facility owned by a
3 public housing authority, in violation of Title 21, United States Code, Section 860(a).

4 NOTICE OF SPECIAL FINDINGS

5 1. The allegations of Counts Eight, Nine, Ten, Thirteen, and Fourteen
6 of this Third Superseding Indictment are hereby re-alleged as if fully set forth herein and
7 incorporated by reference.

8 2. As to Counts Eight, Nine, Ten, Thirteen, and Fourteen of this Third Superseding
9 Indictment, the defendants JAMES HILL and DAVID GEORGE:

10 (a) were 18 years of age or more at the time of the offense. (Title 18, United
11 States Code, § 3591(a)).

12 (b) intentionally killed the victims Curtis Layne and Brian Williams. (Title 18,
13 United States Code, Section 3591(a)(2)(A)).

14 (c) intentionally inflicted serious bodily injury upon the victims Curtis Layne and
15 Brian Williams that resulted in their death. (Title 18, United States Code, Section
16 3591(a)(2)(B)).

17 (d) intentionally participated in an act, contemplating that the life of a person
18 would be taken and intending that lethal force would be used in connection with one or
19 more persons, other than one of the participants in the offense, and the victims Curtis
20 Layne and Brian Williams died as a direct result of the act. (Title 18, United States Code,
21 Section 3591(a)(2)(C)).

22 (e) intentionally and specifically engaged in an act of violence, knowing that the
23 act created a grave risk of death to one or more persons, other than one of the participants
24 in the offense, such that participation in the act constituted a reckless disregard for human
25 life and the victims Curtis Layne and Brian Williams died as a direct result of the act.
26 (Title 18, United States Code, Section 3591(a)(2)(D)).

27 (f) knowingly created a grave risk of death to one or more persons in addition to
28 the victim of the offense. (Title 18, United States Code, Section 3592(c)(5)).

1 (g) the defendants committed the offenses charged in Counts Eight, Nine, Ten,
2 Thirteen, and Fourteen after substantial planning and premeditation to cause the death of
3 victims Curtis Layne and Brian Williams. (Title 18, United States Code, Section
4 3592(c)(9)).

5 (h) the defendants intentionally killed and attempted to kill more than one person
6 in a single criminal episode. (Title 18, United States Code, Section 3592(c)(16).

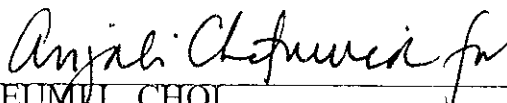
7 Pursuant to Title 18, United States Code, Sections 3591 and 3592.


8
9 A TRUE BILL.

10
11 Dated: _____

12 FOREPERSON _____

13
14
15
16 KEVIN V. RYAN
17 United States Attorney

18 
19 EUN L. CHOI
20 Chief, Criminal Division

21 (Approved as to form: )

22 AUSA GLBEVANJR